

## D.C. Makes Jurors Feel Appreciated

An 80 percent chance of appearing in a courtroom.

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*Photo: Jason Doiy*

Each year, about one-fifth of District of Columbia residents summoned for jury duty show up to court. That percentage has barely budged over the past decade, but new data show the court is making better use of jurors who do report.

Of the nearly 31,500 jurors who reported for duty in Superior Court in 2013, 80 percent were called at least once to a courtroom. It's the highest rate since 2004, and well above the national average. The more efficiently the court uses jurors, the fewer people it needs to summon, judges say, and the longer it can wait before re-summoning jurors who already served.

"It's really respecting our citizens' time," said Superior Court Judge Robert Morin, presiding judge of the criminal division. "We don't want jurors to be coming down and then not being used and being sent home for the day."

The juror utilization rate conveys a court's efficiency by measuring the percentage of jurors who, after reporting for jury duty, made it inside a courtroom.

In 2013, Superior Court's 80 percent utilization rate exceeded the average rate of 58 percent in comparable large cities, information collected last year by the National Center for State Courts' Center for Jury Studies shows.

Not all jurors called to a courtroom made it to voir dire — cases can settle or end with a plea deal before jurors are questioned — and many left without being chosen for a trial, but court officials say getting jurors out of the waiting room is an important step.

Making jurors feel involved is the best way to combat public opinion that jury duty is a waste of time, said Andrew Ferguson, a professor at the University of the District of Columbia David A. Clarke School of Law.

"[Using jurors] is central to the practice of justice, but it's also central to the legitimacy of how the court's perceived in the community," said Ferguson, who narrates a new juror orientation video produced by the court.



Better utilization of jurors pays practical dividends, too. When the court can accurately predict how many jurors it needs, Morin said, judges don't have to delay trials for lack of jurors. And D.C. residents won't have to report as often if the court only summons as many jurors as it needs.

Summoning fewer people and using the jurors who come to court can save money. Superior Court doesn't separately track what it spends on jury management, but Paula Hannaford-Agor, director of the Center for Jury Studies, said courts in medium and large urban areas typically spend \$10 to summon one juror, considering expenses such as postage, printing and staff time.

Based on that estimate, jury summonses last year cost Superior Court more than \$1.5 million — not including daily fees the court pays jurors for travel expenses and, for some jurors selected for a trial, their time. The court summoned more than 150,000 people in 2013. "It gets very expensive," Hannaford-Agor said. Morin said court officials started looking at ways to improve juror management two years ago. Under the old system, each judge decided how many potential jurors they wanted to vet for a trial. Today, judges operate under a uniform system. In most felony cases, for example, judges get 54 jurors, and must seek permission to ask for more.



"We agreed that if it affected processing of cases, we'd take another look at it," Morin said, "but it hasn't really."

With the new focus on efficiency, the court last year summoned fewer people. In 2013, the number of jurors who reported for duty decreased from 39,748 to 31,470, but the utilization rate went up, from 66 percent to 80 percent.

Superior Court's success is notable because it didn't adopt practices used in courts across the country, according to Hannaford-Agor. In some jurisdictions, judges disincentivize last-minute settlements by requiring parties in civil cases who settle late to pay the cost of summoning jurors. Morin said case law in the District frowns upon "punishing people for exercising their right to trial, in terms of resolving cases."

Superior Court doesn't have a "waive-off" policy — asking jurors to call in the night before they're scheduled to serve to learn if they're still needed. Morin said that system wouldn't work because some cases don't settle or reach a plea deal until a jury is seated.

Superior Court uses a "one day, one trial" system. Jurors only spend one day in court if they aren't chosen for a trial. The court has to wait at least two years before re-summoning a juror.

Hannaford-Agor said it was "amazing" Superior Court reached an 80 percent utilization rate without a waive-off policy, "since they can't control the spigot of how many people are showing up."

Despite making progress on using a greater percentage of jurors, the court's juror yield rate — the percentage of summoned D.C. residents who report for jury duty — has long hovered around 20 percent. Cities tend to have lower yields, Hannaford-Agor said, but D.C. was below the urban yield average of 38 percent.

Duane Delaney, the clerk of court, said it wasn't clear how many no-shows resulted from summonses that went to the wrong addresses, as opposed to people choosing not to come to court.

Superior Court pulls names for its master juror list from five sources: voter rolls, driver's licenses, nondriver identifications, personal income tax forms and public assistance programs, such as unemployment benefits or public housing.

The court updates the list two to three times each year, Delaney said. It also spends \$11,250 annually to hire an outside company to check addresses.

Delaney attributed the low yield rate in part to Washington's transient population — the constant turnover of congressional staffers, college students, military personnel and others who live in the city for only a short time. Many people, he said, "simply forget."

Morin said the court would continue to mine historical data for insight on how to make the most of the jurors they get. "It's an art, it's not a science," he said. "But we are moving in the right direction."

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